

REMARKS

The present application stands with claims 1, 6 and 11 rejected under 35 U.S.C. §102(b) as being anticipated by the cited Flynn (US 5,870,685) patent. Claims 2-3, 5, 7-8 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Flynn in view of the cited Goetz et al. (Goetz) patent. Claims 4 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Flynn in view of Goetz and further in view of the cited Brown et al. (Brown) patent. Claims 5, 10 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gray in view of Goetz and further in view of the cited Katsuki reference. For the reasons below, the amended claims are believed to be patentable over the cited references.

Contrary to the Examiner's contention, Flynn does not disclose or teach "communicating said level to a base station" where "said level" is "the actual battery charge level" as required by independent claims 1 and 6. Rather, Flynn teaches sending a "registration cancellation message", (see, e.g., abstract, and column 7, lines 27 to 31) when the battery level falls below a threshold (see, e.g., column 7 lines 23 to 25). With respect to information being communicated to the base station regarding battery charge level, the sending or not sending of the registration cancellation message is merely a yes/no binary indication as to whether battery charge level has crossed one threshold. This is not the same as communicating the "actual battery charge level" as required by independent claims 1 and 6.

Amended independent claims 1 and 6 are therefore believed to be neither anticipated nor obvious over Flynn or any of the other cited references alone or in combination and are therefore believed to be allowable. Accordingly, the rejection of these claims should be removed.

The rejections of all dependent claims 2 through 5 and 7 through 11 should also be removed inasmuch as all these claims are dependent on what are now believed to be allowable independent claims.

For the reasons above, independent amended claims 1 and 6 are neither anticipated nor obvious over the cited references and should accordingly be

allowed as should the dependent claims thereon. Passage to issue of the subject application is therefore respectfully requested. Should the Examiner feel that the present application is not yet in a condition for allowance and that a telephone or personal interview would be helpful, he is invited to contact applicants' undersigned attorney at 973 386 8252.

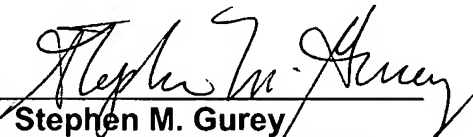
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